

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51269-2021

Date of decision : 28.02.2022

Amrit Pal Singh and another

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Surinder Pal Goyal, Advocate
for the petitioners.

Mr. Sandeep Vermani, Addl. A.G. Punjab.

Mr. Amit Thakur, Advocate
for respondent No.2.

(Through Video Conferencing)

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.37 dated 26.07.2021 registered under Sections 420 and 406 IPC at Police Station NRI, District S.A.S. Nagar, Punjab on the basis of compromise deed dated 28.10.2021 (Annexure P-2).

On 09.12.2021, the following order was passed:-

- “1. Notice of motion.
2. Mr. C.L.Pawar, Sr. DAG, Punjab, waives service of notice on behalf of respondent No. 1.
3. Mr. Amit Thakur, Advocate puts his appearance on behalf of respondent No. 2, and, files his power of attorney.

4. Before proceeding to quash FIR No. 37 dated 26.7.2021, registered at Police Station NRI, District S.A.S. Nagar, it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondent No. 2, and, after his recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).

5. The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; and (c) whether the prosecution evidence has commenced.

6. The afore made report be ensured to be transmitted to this Court within three weeks.

7. For the afore purpose, list on 28.2.2022.”

Now, report from JMIC, SAS Nagar dated 07.01.2022 has been received, which is taken on record. As per the same, the compromise has been found genuine, voluntarily and with the free consent of the parties.

Mr. Amit Thakur, Advocate appears for respondent No.2, admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

Similarly, learned Additional Advocate General, Punjab has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

Keeping in view the fact that offences punishable under Sections 420 and 406 IPC under which the petitioners have been booked are both compoundable and compromise has been effected, the present petition is allowed. FIR No.37 dated 26.07.2021 registered under Sections 420 and 406 IPC at Police Station NRI, District S.A.S. Nagar, Punjab and all proceedings subsequent thereto are hereby quashed.

(PANKAJ JAIN)
JUDGE

28.02.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No